

Sub. H.B. 33
As Passed by the Senate
DOHCD28

_____ moved to amend as follows:

In line 474 of the title, after the semicolon insert "to 1
amend sections 2925.01, 3701.33, 3701.83, 3717.27, 3717.47, 2
3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 4736.03, 4736.07, 3
4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 4
4743.02, 4743.03, 4743.04, 4743.05, 4743.07, 4776.20, 4799.01, and 5
5903.12; to amend, for the purpose of adopting new section numbers 6
as indicated in parentheses, sections 4736.01 (3776.01), 4736.02 7
(3776.02), 4736.03 (3776.03), 4736.07 (3776.04), 4736.08 8
(3776.05), 4736.09 (3776.06), 4736.11 (3776.07), 4736.12 9
(3776.08), 4736.13 (3776.09), 4736.14 (3776.10), 4736.15 10
(3776.11), 4736.17 (3776.12), and 4736.18 (3776.13); to repeal 11
sections 4736.05, 4736.06, and 4736.10 of the Revised Code; to 12
amend the version of section 3701.83 of the Revised Code that is 13
scheduled to take effect September 30, 2024; to amend the versions 14
of sections 4736.14 and 4743.04 of the Revised Code that are 15
scheduled to take effect December 29, 2023; to amend the version 16
of section 4736.14 (3776.10) of the Revised Code that is scheduled 17
to take effect December 29, 2023, for the purpose of adopting a 18
new section number as indicated in parentheses; and to repeal the 19
version of section 4736.10 of the Revised Code that is scheduled 20
to take effect December 29, 2023; and to amend the version of 21

section 3701.351 that is scheduled to take effect September 30, 22
 2024; to repeal the versions of sections 3727.70 and 4723.431 of 23
 the Revised Code that are scheduled to take effect September 30, 24
 2024;" 25

After line 171832, insert: 26

"**Section 130.40.** That sections 2925.01, 3701.33, 3701.83, 27
 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 28
 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 29
 4736.14, 4736.15, 4743.02, 4743.03, 4743.04, 4743.05, 4743.07, 30
 4776.20, 4799.01, and 5903.12 be amended and sections 4736.01 31
 (3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 4736.07 32
 (3776.04), 4736.08 (3776.05), 4736.09 (3776.06), 4736.11 33
 (3776.07), 4736.12 (3776.08), 4736.13 (3776.09), 4736.14 34
 (3776.10), 4736.15 (3776.11), 4736.17 (3776.12), and 4736.18 35
 (3776.13) of the Revised Code be amended for the purpose of 36
 adopting new section numbers as indicated in parentheses to read 37
 as follows: 38

Sec. 2925.01. As used in this chapter: 39

(A) "Administer," "controlled substance," "controlled 40
 substance analog," "dispense," "distribute," "hypodermic," 41
 "manufacturer," "official written order," "person," "pharmacist," 42
 "pharmacy," "sale," "schedule I," "schedule II," "schedule III," 43
 "schedule IV," "schedule V," and "wholesaler" have the same 44
 meanings as in section 3719.01 of the Revised Code. 45

(B) "Drug of abuse" and "person with a drug dependency" have 46
 the same meanings as in section 3719.011 of the Revised Code. 47

(C) "Drug," "dangerous drug," "licensed health professional 48
 authorized to prescribe drugs," and "prescription" have the same 49

meanings as in section 4729.01 of the Revised Code. 50

(D) "Bulk amount" of a controlled substance means any of the 51
following: 52

(1) For any compound, mixture, preparation, or substance 53
included in schedule I, schedule II, or schedule III, with the 54
exception of any controlled substance analog, marihuana, cocaine, 55
L.S.D., heroin, any fentanyl-related compound, and hashish and 56
except as provided in division (D)(2), (5), or (6) of this 57
section, whichever of the following is applicable: 58

(a) An amount equal to or exceeding ten grams or twenty-five 59
unit doses of a compound, mixture, preparation, or substance that 60
is or contains any amount of a schedule I opiate or opium 61
derivative; 62

(b) An amount equal to or exceeding ten grams of a compound, 63
mixture, preparation, or substance that is or contains any amount 64
of raw or gum opium; 65

(c) An amount equal to or exceeding thirty grams or ten unit 66
doses of a compound, mixture, preparation, or substance that is or 67
contains any amount of a schedule I hallucinogen other than 68
tetrahydrocannabinol or lysergic acid amide, or a schedule I 69
stimulant or depressant; 70

(d) An amount equal to or exceeding twenty grams or five 71
times the maximum daily dose in the usual dose range specified in 72
a standard pharmaceutical reference manual of a compound, mixture, 73
preparation, or substance that is or contains any amount of a 74
schedule II opiate or opium derivative; 75

(e) An amount equal to or exceeding five grams or ten unit 76
doses of a compound, mixture, preparation, or substance that is or 77
contains any amount of phencyclidine; 78

(f) An amount equal to or exceeding one hundred twenty grams 79
or thirty times the maximum daily dose in the usual dose range 80
specified in a standard pharmaceutical reference manual of a 81
compound, mixture, preparation, or substance that is or contains 82
any amount of a schedule II stimulant that is in a final dosage 83
form manufactured by a person authorized by the "Federal Food, 84
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 85
amended, and the federal drug abuse control laws, as defined in 86
section 3719.01 of the Revised Code, that is or contains any 87
amount of a schedule II depressant substance or a schedule II 88
hallucinogenic substance; 89

(g) An amount equal to or exceeding three grams of a 90
compound, mixture, preparation, or substance that is or contains 91
any amount of a schedule II stimulant, or any of its salts or 92
isomers, that is not in a final dosage form manufactured by a 93
person authorized by the Federal Food, Drug, and Cosmetic Act and 94
the federal drug abuse control laws. 95

(2) An amount equal to or exceeding one hundred twenty grams 96
or thirty times the maximum daily dose in the usual dose range 97
specified in a standard pharmaceutical reference manual of a 98
compound, mixture, preparation, or substance that is or contains 99
any amount of a schedule III or IV substance other than an 100
anabolic steroid or a schedule III opiate or opium derivative; 101

(3) An amount equal to or exceeding twenty grams or five 102
times the maximum daily dose in the usual dose range specified in 103
a standard pharmaceutical reference manual of a compound, mixture, 104
preparation, or substance that is or contains any amount of a 105
schedule III opiate or opium derivative; 106

(4) An amount equal to or exceeding two hundred fifty 107
milliliters or two hundred fifty grams of a compound, mixture, 108

preparation, or substance that is or contains any amount of a
schedule V substance; 109
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(5) An amount equal to or exceeding two hundred solid dosage
units, sixteen grams, or sixteen milliliters of a compound,
mixture, preparation, or substance that is or contains any amount
of a schedule III anabolic steroid; 111
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(6) For any compound, mixture, preparation, or substance that
is a combination of a fentanyl-related compound and any other
compound, mixture, preparation, or substance included in schedule
III, schedule IV, or schedule V, if the defendant is charged with
a violation of section 2925.11 of the Revised Code and the
sentencing provisions set forth in divisions (C)(10)(b) and
(C)(11) of that section will not apply regarding the defendant and
the violation, the bulk amount of the controlled substance for
purposes of the violation is the amount specified in division
(D)(1), (2), (3), (4), or (5) of this section for the other
schedule III, IV, or V controlled substance that is combined with
the fentanyl-related compound. 115
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(E) "Unit dose" means an amount or unit of a compound,
mixture, or preparation containing a controlled substance that is
separately identifiable and in a form that indicates that it is
the amount or unit by which the controlled substance is separately
administered to or taken by an individual. 127
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(F) "Cultivate" includes planting, watering, fertilizing, or
tilling. 132
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(G) "Drug abuse offense" means any of the following: 134

(1) A violation of division (A) of section 2913.02 that
constitutes theft of drugs, or a violation of section 2925.02,
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 135
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2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or	138
2925.37 of the Revised Code;	139
(2) A violation of an existing or former law of this or any	140
other state or of the United States that is substantially	141
equivalent to any section listed in division (G)(1) of this	142
section;	143
(3) An offense under an existing or former law of this or any	144
other state, or of the United States, of which planting,	145
cultivating, harvesting, processing, making, manufacturing,	146
producing, shipping, transporting, delivering, acquiring,	147
possessing, storing, distributing, dispensing, selling, inducing	148
another to use, administering to another, using, or otherwise	149
dealing with a controlled substance is an element;	150
(4) A conspiracy to commit, attempt to commit, or complicity	151
in committing or attempting to commit any offense under division	152
(G)(1), (2), or (3) of this section.	153
(H) "Felony drug abuse offense" means any drug abuse offense	154
that would constitute a felony under the laws of this state, any	155
other state, or the United States.	156
(I) "Harmful intoxicant" does not include beer or	157
intoxicating liquor but means any of the following:	158
(1) Any compound, mixture, preparation, or substance the gas,	159
fumes, or vapor of which when inhaled can induce intoxication,	160
excitement, giddiness, irrational behavior, depression,	161
stupefaction, paralysis, unconsciousness, asphyxiation, or other	162
harmful physiological effects, and includes, but is not limited	163
to, any of the following:	164
(a) Any volatile organic solvent, plastic cement, model	165
cement, fingernail polish remover, lacquer thinner, cleaning	166

fluid, gasoline, or other preparation containing a volatile	167
organic solvent;	168
(b) Any aerosol propellant;	169
(c) Any fluorocarbon refrigerant;	170
(d) Any anesthetic gas.	171
(2) Gamma Butyrolactone;	172
(3) 1,4 Butanediol.	173
(J) "Manufacture" means to plant, cultivate, harvest,	174
process, make, prepare, or otherwise engage in any part of the	175
production of a drug, by propagation, extraction, chemical	176
synthesis, or compounding, or any combination of the same, and	177
includes packaging, repackaging, labeling, and other activities	178
incident to production.	179
(K) "Possess" or "possession" means having control over a	180
thing or substance, but may not be inferred solely from mere	181
access to the thing or substance through ownership or occupation	182
of the premises upon which the thing or substance is found.	183
(L) "Sample drug" means a drug or pharmaceutical preparation	184
that would be hazardous to health or safety if used without the	185
supervision of a licensed health professional authorized to	186
prescribe drugs, or a drug of abuse, and that, at one time, had	187
been placed in a container plainly marked as a sample by a	188
manufacturer.	189
(M) "Standard pharmaceutical reference manual" means the	190
current edition, with cumulative changes if any, of references	191
that are approved by the state board of pharmacy.	192
(N) "Juvenile" means a person under eighteen years of age.	193
(O) "Counterfeit controlled substance" means any of the	194

following:	195
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	196 197 198 199
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	200 201 202 203
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	204 205 206
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	207 208 209 210 211
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	212 213 214 215 216 217 218
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction,	219 220 221 222 223

extracurricular activities, or training provided by the school is	224
being conducted at the time a criminal offense is committed.	225
(R) "School premises" means either of the following:	226
(1) The parcel of real property on which any school is	227
situated, whether or not any instruction, extracurricular	228
activities, or training provided by the school is being conducted	229
on the premises at the time a criminal offense is committed;	230
(2) Any other parcel of real property that is owned or leased	231
by a board of education of a school, the governing authority of a	232
community school established under Chapter 3314. of the Revised	233
Code, or the governing body of a nonpublic school for which the	234
state board of education prescribes minimum standards under	235
section 3301.07 of the Revised Code and on which some of the	236
instruction, extracurricular activities, or training of the school	237
is conducted, whether or not any instruction, extracurricular	238
activities, or training provided by the school is being conducted	239
on the parcel of real property at the time a criminal offense is	240
committed.	241
(S) "School building" means any building in which any of the	242
instruction, extracurricular activities, or training provided by a	243
school is conducted, whether or not any instruction,	244
extracurricular activities, or training provided by the school is	245
being conducted in the school building at the time a criminal	246
offense is committed.	247
(T) "Disciplinary counsel" means the disciplinary counsel	248
appointed by the board of commissioners on grievances and	249
discipline of the supreme court under the Rules for the Government	250
of the Bar of Ohio.	251
(U) "Certified grievance committee" means a duly constituted	252

and organized committee of the Ohio state bar association or of 253
 one or more local bar associations of the state of Ohio that 254
 complies with the criteria set forth in Rule V, section 6 of the 255
 Rules for the Government of the Bar of Ohio. 256

(V) "Professional license" means any license, permit, 257
 certificate, registration, qualification, admission, temporary 258
 license, temporary permit, temporary certificate, or temporary 259
 registration that is described in divisions (W)(1) to (37) of this 260
 section and that qualifies a person as a professionally licensed 261
 person. 262

(W) "Professionally licensed person" means any of the 263
 following: 264

(1) A person who has received a certificate or temporary 265
 certificate as a certified public accountant or who has registered 266
 as a public accountant under Chapter 4701. of the Revised Code and 267
 who holds an Ohio permit issued under that chapter; 268

(2) A person who holds a certificate of qualification to 269
 practice architecture issued or renewed and registered under 270
 Chapter 4703. of the Revised Code; 271

(3) A person who is registered as a landscape architect under 272
 Chapter 4703. of the Revised Code or who holds a permit as a 273
 landscape architect issued under that chapter; 274

(4) A person licensed under Chapter 4707. of the Revised 275
 Code; 276

(5) A person who has been issued a certificate of 277
 registration as a registered barber under Chapter 4709. of the 278
 Revised Code; 279

(6) A person licensed and regulated to engage in the business 280
 of a debt pooling company by a legislative authority, under 281

authority of Chapter 4710. of the Revised Code;	282
(7) A person who has been issued a cosmetologist's license,	283
hair designer's license, manicurist's license, esthetician's	284
license, natural hair stylist's license, advanced cosmetologist's	285
license, advanced hair designer's license, advanced manicurist's	286
license, advanced esthetician's license, advanced natural hair	287
stylist's license, cosmetology instructor's license, hair design	288
instructor's license, manicurist instructor's license, esthetics	289
instructor's license, natural hair style instructor's license,	290
independent contractor's license, or tanning facility permit under	291
Chapter 4713. of the Revised Code;	292
(8) A person who has been issued a license to practice	293
dentistry, a general anesthesia permit, a conscious sedation	294
permit, a limited resident's license, a limited teaching license,	295
a dental hygienist's license, or a dental hygienist's teacher's	296
certificate under Chapter 4715. of the Revised Code;	297
(9) A person who has been issued an embalmer's license, a	298
funeral director's license, a funeral home license, or a crematory	299
license, or who has been registered for an embalmer's or funeral	300
director's apprenticeship under Chapter 4717. of the Revised Code;	301
(10) A person who has been licensed as a registered nurse or	302
practical nurse, or who has been issued a certificate for the	303
practice of nurse-midwifery under Chapter 4723. of the Revised	304
Code;	305
(11) A person who has been licensed to practice optometry or	306
to engage in optical dispensing under Chapter 4725. of the Revised	307
Code;	308
(12) A person licensed to act as a pawnbroker under Chapter	309
4727. of the Revised Code;	310

(13) A person licensed to act as a precious metals dealer	311
under Chapter 4728. of the Revised Code;	312
(14) A person licensed under Chapter 4729. of the Revised	313
Code as a pharmacist or pharmacy intern or registered under that	314
chapter as a registered pharmacy technician, certified pharmacy	315
technician, or pharmacy technician trainee;	316
(15) A person licensed under Chapter 4729. of the Revised	317
Code as a manufacturer of dangerous drugs, outsourcing facility,	318
third-party logistics provider, repackager of dangerous drugs,	319
wholesale distributor of dangerous drugs, or terminal distributor	320
of dangerous drugs;	321
(16) A person who is authorized to practice as a physician	322
assistant under Chapter 4730. of the Revised Code;	323
(17) A person who has been issued a license to practice	324
medicine and surgery, osteopathic medicine and surgery, or	325
podiatric medicine and surgery under Chapter 4731. of the Revised	326
Code or has been issued a certificate to practice a limited branch	327
of medicine under that chapter;	328
(18) A person licensed as a psychologist, independent school	329
psychologist, or school psychologist under Chapter 4732. of the	330
Revised Code;	331
(19) A person registered to practice the profession of	332
engineering or surveying under Chapter 4733. of the Revised Code;	333
(20) A person who has been issued a license to practice	334
chiropractic under Chapter 4734. of the Revised Code;	335
(21) A person licensed to act as a real estate broker or real	336
estate salesperson under Chapter 4735. of the Revised Code;	337
(22) A person registered as a registered environmental health	338

specialist under Chapter 4736. <u>3776.</u> of the Revised Code;	339
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	340 341
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	342 343
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	344 345
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	346 347 348 349
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	350 351 352
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	353 354 355
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	356 357
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	358 359 360
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	361 362
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a	363 364 365 366

social work assistant under Chapter 4757. of the Revised Code;	367
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	368 369
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	370 371 372
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	373 374
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	375 376
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	377 378 379
(X) "Cocaine" means any of the following:	380
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	381 382
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	383 384 385 386
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	387 388 389 390 391 392
(Y) "L.S.D." means lysergic acid diethylamide.	393
(Z) "Hashish" means a resin or a preparation of a resin to	394

which both of the following apply:

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(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

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(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

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"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

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(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

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(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

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(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

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(EE) "Minor drug possession offense" means either of the

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following:	424
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	425 426
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	427 428 429
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	430 431
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	432 433
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	434 435 436
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	437 438 439 440
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	441 442
(KK) "Fentanyl-related compound" means any of the following:	443
(1) Fentanyl;	444
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	445 446 447
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	448 449 450

(4) Beta-hydroxyfentanyl	451
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	452
(5) Beta-hydroxy-3-methylfentanyl (other name:	453
N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	454
phenylpropanamide);	455
(6) 3-methylfentanyl	456
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	457
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-	458
piperidinyl]-N-phenylpropanamide);	459
(8) Para-fluorofentanyl	460
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	461
(9) Thiofentanyl	462
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	463
(10) Alfentanil;	464
(11) Carfentanil;	465
(12) Remifentanil;	466
(13) Sufentanil;	467
(14) Acetyl-alpha-methylfentanyl	468
(N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide);	469
and	470
(15) Any compound that meets all of the following fentanyl	471
pharmacophore requirements to bind at the mu receptor, as	472
identified by a report from an established forensic laboratory,	473
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	474
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	475
para-fluorobutyrylfentanyl, acrylfentanyl, and	476
ortho-fluorofentanyl:	477

- (a) A chemical scaffold consisting of both of the following: 478
- (i) A five, six, or seven member ring structure containing a 479
nitrogen, whether or not further substituted; 480
- (ii) An attached nitrogen to the ring, whether or not that 481
nitrogen is enclosed in a ring structure, including an attached 482
aromatic ring or other lipophilic group to that nitrogen. 483
- (b) A polar functional group attached to the chemical 484
scaffold, including but not limited to a hydroxyl, ketone, amide, 485
or ester; 486
- (c) An alkyl or aryl substitution off the ring nitrogen of 487
the chemical scaffold; and 488
- (d) The compound has not been approved for medical use by the 489
United States food and drug administration. 490
- (LL) "First degree felony mandatory prison term" means one of 491
the definite prison terms prescribed in division (A)(1)(b) of 492
section 2929.14 of the Revised Code for a felony of the first 493
degree, except that if the violation for which sentence is being 494
imposed is committed on or after March 22, 2019, it means one of 495
the minimum prison terms prescribed in division (A)(1)(a) of that 496
section for a felony of the first degree. 497
- (MM) "Second degree felony mandatory prison term" means one 498
of the definite prison terms prescribed in division (A)(2)(b) of 499
section 2929.14 of the Revised Code for a felony of the second 500
degree, except that if the violation for which sentence is being 501
imposed is committed on or after March 22, 2019, it means one of 502
the minimum prison terms prescribed in division (A)(2)(a) of that 503
section for a felony of the second degree. 504
- (NN) "Maximum first degree felony mandatory prison term" 505
means the maximum definite prison term prescribed in division 506

(A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as in section 928.01 of the Revised Code.

(QQ) An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:

(1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under section 5119.391 of the Revised Code to provide methadone treatment or an opioid treatment program licensed on or after that date under section 5119.37 of the Revised Code, or within five hundred feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the

commission of the offense, or received treatment within thirty 537
days prior to the commission of the offense, from a substance 538
addiction services provider and the offender knows that the person 539
is receiving or received that treatment. 540

(RR) "Substance addiction services provider" means an agency, 541
association, corporation or other legal entity, individual, or 542
program that provides one or more of the following at a facility: 543

(1) Either alcohol addiction services, or drug addiction 544
services, or both such services that are certified by the director 545
of mental health and addiction services under section 5119.36 of 546
the Revised Code; 547

(2) Recovery supports that are related to either alcohol 548
addiction services, or drug addiction services, or both such 549
services and paid for with federal, state, or local funds 550
administered by the department of mental health and addiction 551
services or a board of alcohol, drug addiction, and mental health 552
services. 553

(SS) "Premises of a substance addiction services provider's 554
facility" means the parcel of real property on which any substance 555
addiction service provider's facility is situated. 556

(TT) "Alcohol and drug addiction services" has the same 557
meaning as in section 5119.01 of the Revised Code. 558

Sec. 3701.33. (A) There is hereby created the Ohio public 559
health advisory board. The board shall consist of the following 560
members: 561

(1) The following members appointed by the director of health 562
from among individuals who are not employed by the state and are 563
recommended by statewide trade or professional organizations that 564

represent interests in public health:	565
(a) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	566 567 568
(b) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse;	569 570
(c) Three members of the public, two of whom are representatives of entities licensed by the department of health or boards of health.	571 572 573
(2) One representative of the association of Ohio health commissioners, appointed by the association;	574 575
(3) One representative of the Ohio public health association, appointed by the association;	576 577
(4) One representative of the Ohio environmental health association, appointed by the association, who is registered as an environmental health specialist under Chapter 4736 <u>3776</u> . of the Revised Code;	578 579 580 581
(5) One representative of the Ohio association of boards of health, appointed by the association;	582 583
(6) One representative of the Ohio society for public health education, appointed by the society;	584 585
(7) One representative of the Ohio hospital association, appointed by the association.	586 587
The director of health or the director's designee shall serve as an ex officio, nonvoting member of the board.	588 589
(B) Not later than thirty days after September 10, 2012, initial appointments shall be made to the board. Of the initial appointments, the members specified in divisions (A)(5), (6), and	590 591 592

(7) and division (A)(1)(c) of this section representing entities 593
licensed by the department of health or boards of health shall 594
serve terms ending June 30, 2014, and the members specified in 595
divisions (A)(1)(a) and (b), divisions (A)(2), (3), and (4), and 596
division (A)(1)(c) of this section not representing entities 597
licensed by the department or boards of health shall serve terms 598
ending June 30, 2015. Thereafter, terms of office for all members 599
shall be three years, with each term ending on the same day of the 600
same month as the term it succeeds. Each member shall hold office 601
from the date of appointment until the end of the term for which 602
the member was appointed. Members may be reappointed, except that 603
no member who has served two consecutive terms may be reappointed 604
until three years have elapsed since the member's last term ended. 605

Each member shall hold office from the date of appointment 606
until the end of the term for which the member was appointed. 607
Vacancies shall be filled in the same manner as original 608
appointments. 609

Any member appointed to fill a vacancy occurring prior to the 610
expiration of the term for which the member's predecessor was 611
appointed shall hold office for the remainder of that term. A 612
member shall continue in office subsequent to the expiration date 613
of the member's term until the member's successor takes office or 614
until a period of ninety days has elapsed, whichever occurs first. 615

(C) The board shall annually select from among its members a 616
chairperson and vice-chairperson. The director shall designate an 617
officer or employee of the department to act as the board's 618
secretary. The secretary shall be a nonvoting board member. 619

The board may adopt by laws governing its operation. The 620
chairperson may appoint subcommittees as the chairperson considers 621
necessary. 622

(D) The board shall meet at the call of the chairperson, but 623
not less than four times per year. A majority of the members of 624
the board constitutes a quorum. Special meetings may be called by 625
the chairperson and shall be called by the chairperson at the 626
request of the director. In a request for a special meeting, the 627
director shall specify the purpose of the meeting and the date and 628
place the meeting is to be held. No other business shall be 629
considered at a special meeting except by a unanimous vote of 630
members present at the meeting. 631

In conducting any meeting, the board and its subcommittees 632
may use an interactive video teleconferencing system. If 633
provisions are made that allow public attendance at a designated 634
location with respect to a meeting using such a system, the board 635
members who attend the meeting by video teleconference shall be 636
counted for purposes of determining whether a quorum is present 637
and shall be permitted to vote. 638

Members shall be expected to attend a majority of meetings of 639
the board. Unexcused absence from three consecutive meetings shall 640
be considered notice of a member's intent to resign from the 641
board. 642

(E)(1) The department shall provide meeting space and staff 643
and other administrative support for the board to carry out its 644
duties. 645

(2) To facilitate the board's review of proposed rules under 646
division (A)(1) of section 3701.34 of the Revised Code, the 647
department shall establish and maintain an electronic web-based 648
database of board meeting agendas, board meeting minutes, proposed 649
rules, public comments, and other documents relevant to the work 650
of the board. 651

(F) Notice of meetings shall be provided to members through 652

the board's mailing list, the department's web site, or any other means available to the board.

The minutes of previous meetings, the next meeting's agenda, and information on any matters to be presented to the board at any regular or special meeting shall be provided to the board in an electronic format.

(G) Members shall attend annual ethics training provided by the Ohio ethics commission.

(H) Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the Ohio public health advisory board.

Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, ~~4736.06~~, 3776.08, and 4769.09 of the Revised Code.

Sec. 3717.27. (A) All inspections of retail food establishments conducted by a licenser under this chapter shall be conducted according to the procedures and schedule of frequency specified in rules adopted under section 3717.33 of the Revised Code. An inspection may be performed only by an individual registered as an environmental health specialist or environmental health specialist in training under Chapter ~~4736~~ 3776. of the Revised Code. Each inspection shall be recorded on a form prescribed and furnished by the director of agriculture or a form

approved by the director that has been prescribed by a board of 681
health acting as licensor. With the assistance of the director, a 682
board acting as licensor, to the extent practicable, shall 683
computerize the inspection process and standardize the manner in 684
which its inspections are conducted. 685

(B) A person or government entity holding a retail food 686
establishment license shall permit the licensor to inspect the 687
retail food establishment for purposes of determining compliance 688
with this chapter and the rules adopted under it or investigating 689
a complaint concerning the establishment. On request of the 690
licensor, the license holder shall permit the licensor to examine 691
the records of the retail food establishment to obtain information 692
about the purchase, receipt, or use of food, supplies, and 693
equipment. 694

A licensor may inspect any mobile retail food establishment 695
being operated within the licensor's district. If an inspection of 696
a mobile retail food establishment is conducted by a licensor 697
other than the licensor that issued the license for the 698
establishment, a report of the inspection shall be sent to the 699
issuing licensor. The issuing licensor may use the inspection 700
report to suspend or revoke the license under section 3717.29 or 701
3717.30 of the Revised Code. 702

(C) An inspection may include the following: 703

(1) An investigation to determine the identity and source of 704
a particular food; 705

(2) Removal from use of any equipment, utensils, hand tools, 706
or parts of facilities found to be maintained in a condition that 707
presents a clear and present danger to the public health. 708

Sec. 3717.47. (A) All inspections of food service operations 709
conducted by a licensor under this chapter shall be conducted 710
according to the procedures and schedule of frequency specified in 711
rules adopted under section 3717.51 of the Revised Code. An 712
inspection may be performed only by an individual registered as an 713
environmental health specialist or environmental health specialist 714
in training under Chapter ~~4736~~ 3776. of the Revised Code. Each 715
inspection shall be recorded on a form prescribed and furnished by 716
the director of health or a form approved by the director that has 717
been prescribed by a board of health acting as licensor. With the 718
assistance of the director, a board acting as licensor, to the 719
extent practicable, shall computerize the inspection process and 720
shall standardize the manner in which its inspections are 721
conducted. 722

(B) A person or government entity holding a food service 723
operation license shall permit the licensor to inspect the food 724
service operation for purposes of determining compliance with this 725
chapter and the rules adopted under it or investigating a 726
complaint regarding foodborne disease. On request of the licensor, 727
the license holder shall permit the licensor to examine the 728
records of the food service operation to obtain information about 729
the purchase, receipt, or use of food, supplies, and equipment. 730

A licensor may inspect any mobile food service operation or 731
catering food service operation being operated within the 732
licensor's district. If an inspection of a mobile or catering food 733
service operation is conducted by a licensor other than the 734
licensor that issued the license for the operation, a report of 735
the inspection shall be sent to the issuing licensor. The issuing 736
licensor may use the inspection report to suspend or revoke the 737
license under section 3717.49 of the Revised Code. 738

(C) An inspection may include an investigation to determine 739
the identity and source of a particular food. 740

Sec. 3718.011. (A) For purposes of this chapter, a sewage 741
treatment system is causing a public health nuisance if any of the 742
following situations occurs and, after notice by a board of health 743
to the applicable property owner, timely repairs are not made to 744
that system to eliminate the situation: 745

(1) The sewage treatment system is not operating properly due 746
to a missing component, incorrect settings, or a mechanical or 747
electrical failure. 748

(2) There is a blockage in a known sewage treatment system 749
component or pipe that causes a backup of sewage or effluent 750
affecting the treatment process or inhibiting proper plumbing 751
drainage. 752

(3) An inspection conducted by, or under the supervision of, 753
the environmental protection agency or an environmental health 754
specialist registered under Chapter ~~4736~~ 3776. of the Revised Code 755
documents that there is ponding of liquid or bleeding of liquid 756
onto the surface of the ground or into surface water and the 757
liquid has a distinct sewage odor, a black or gray coloration, or 758
the presence of organic matter and any of the following: 759

(a) The presence of sewage effluent identified through a dye 760
test; 761

(b) The presence of fecal coliform at a level that is equal 762
to or greater than five thousand colonies per one hundred 763
milliliters of liquid as determined in two or more samples of the 764
liquid when five or fewer samples are collected or in more than 765
twenty per cent of the samples when more than five samples of the 766
liquid are collected; 767

(c) Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected.

(4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit.

(B) With respect to divisions (A)(1) and (2) of this section, a property owner may request a test to be conducted by a board of health to verify that the sewage treatment system is causing a public health nuisance. The property owner is responsible for the costs of the test.

Sec. 3718.03. (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and thirteen members who are knowledgeable about sewage treatment systems and technologies. The director or the director's designee shall serve as committee secretary and may vote on actions taken by the committee. Of the thirteen members, five shall be appointed by the governor, four shall be appointed by the president of the senate, and four shall be appointed by the speaker of the house of representatives.

(1) Of the members appointed by the governor, one shall represent academia and shall be active in teaching or research in the area of on-site wastewater treatment, one shall be a representative of the public who is not employed by the state or any of its political subdivisions and who does not have a pecuniary interest in sewage treatment systems, one shall be a

registered professional engineer employed by the environmental 797
protection agency, one shall be selected from among soil 798
scientists in the division of soil and water conservation in the 799
department of agriculture, and one shall be a representative of a 800
statewide organization representing townships. 801

(2) Of the members appointed by the president of the senate, 802
one shall be a health commissioner who is a member of and 803
recommended by the association of Ohio health commissioners, one 804
shall represent the interests of manufacturers of sewage treatment 805
systems, one shall represent installers and service providers, and 806
one shall be a person with demonstrated experience in the design 807
of sewage treatment systems. 808

(3) Of the members appointed by the speaker of the house of 809
representatives, one shall be a health commissioner who is a 810
member of and recommended by the association of Ohio health 811
commissioners, one shall represent the interests of manufacturers 812
of sewage treatment systems, one shall be an environmental health 813
specialist who is registered under Chapter ~~4736~~ 3776. of the 814
Revised Code and who is a member of the Ohio environmental health 815
association, and one shall be a registered professional engineer 816
with experience in sewage treatment systems. 817

(B) Terms of members appointed to the committee shall be for 818
three years, with each term ending on the same day of the same 819
month as did the term that it succeeds. Each member shall serve 820
from the date of appointment until the end of the term for which 821
the member was appointed. 822

Members may be reappointed. Vacancies shall be filled in the 823
same manner as provided for original appointments. Any member 824
appointed to fill a vacancy occurring prior to the expiration date 825
of the term for which the member was appointed shall hold office 826

for the remainder of that term. A member shall continue to serve 827
after the expiration date of the member's term until the member's 828
successor is appointed or until a period of sixty days has 829
elapsed, whichever occurs first. The applicable appointing 830
authority may remove a member from the committee for failure to 831
attend two consecutive meetings without showing good cause for the 832
absences. 833

(C) The technical advisory committee annually shall select 834
from among its members a chairperson and a vice-chairperson. The 835
secretary shall keep a record of its proceedings. A majority vote 836
of the members of the full committee is necessary to take action 837
on any matter. The committee may adopt bylaws governing its 838
operation, including bylaws that establish the frequency of 839
meetings. 840

(D) Serving as a member of the sewage treatment system 841
technical advisory committee does not constitute holding a public 842
office or position of employment under the laws of this state and 843
does not constitute grounds for removal of public officers or 844
employees from their offices or positions of employment. Members 845
of the committee shall serve without compensation for attending 846
committee meetings. 847

(E) A member of the committee shall not have a conflict of 848
interest with the position. For the purposes of this division, 849
"conflict of interest" means the taking of any action that 850
violates any provision of Chapter 102. or 2921. of the Revised 851
Code. 852

(F) The sewage treatment system technical advisory committee 853
shall do all of the following: 854

(1) Develop with the department of health standards, 855
guidelines, and protocols for approving or disapproving a sewage 856

treatment system or components of a system under section 3718.04 857
of the Revised Code. Any guideline requiring the submission of 858
scientific information or testing data shall specify, in writing, 859
the protocol and format to be used in submitting the information 860
or data. 861

(2) Develop with the department an application form to be 862
submitted to the director by an applicant for approval or 863
disapproval of a sewage treatment system or components of a system 864
and specify the information that must be included with an 865
application form; 866

(3) Make recommendations to the director regarding the 867
approval or disapproval of an application sent to the director 868
under section 3718.04 of the Revised Code requesting approval of a 869
sewage treatment system or components of a system; 870

(4) Pursue and recruit in an active manner the research, 871
development, introduction, and timely approval of innovative and 872
cost-effective sewage treatment systems and components of a system 873
for use in this state, which shall include conducting pilot 874
projects to assess the effectiveness of a system or components of 875
a system. 876

(G) The chairperson of the committee shall prepare and submit 877
an annual report concerning the activities of the committee to the 878
general assembly not later than ninety days after the end of the 879
calendar year. The report shall discuss the number of applications 880
submitted under section 3718.04 of the Revised Code for the 881
approval of a new sewage treatment system or a component of a 882
system, the number of such systems and components that were 883
approved, any information that the committee considers beneficial 884
to the general assembly, and any other information that the 885
chairperson determines is beneficial to the general assembly. If 886

other members of the committee determine that certain information 887
should be included in the report, they shall submit the 888
information to the chairperson not later than thirty days after 889
the end of the calendar year. 890

(H) The department shall provide meeting space for the 891
committee. The committee shall be assisted in its duties by the 892
staff of the department. 893

(I) Sections 101.82 to 101.87 of the Revised Code do not 894
apply to the sewage treatment system technical advisory committee. 895

Sec. 3742.03. The director of health shall adopt rules in 896
accordance with Chapter 119. of the Revised Code for the 897
administration and enforcement of sections 3742.01 to 3742.19 and 898
3742.99 of the Revised Code. The rules shall specify all of the 899
following: 900

(A) Procedures to be followed by a lead abatement contractor, 901
lead abatement project designer, lead abatement worker, lead 902
inspector, or lead risk assessor licensed under section 3742.05 of 903
the Revised Code for undertaking lead abatement activities and 904
procedures to be followed by a clearance technician, lead 905
inspector, or lead risk assessor in performing a clearance 906
examination; 907

(B)(1) Requirements for training and licensure, in addition 908
to those established under section 3742.08 of the Revised Code, to 909
include levels of training and periodic refresher training for 910
each class of worker, and to be used for licensure under section 911
3742.05 of the Revised Code. Except in the case of clearance 912
technicians, these requirements shall include at least twenty-four 913
classroom hours of training based on the Occupational Safety and 914
Health Act training program for lead set forth in 29 C.F.R. 915

1926.62. For clearance technicians, the training requirements to 916
 obtain an initial license shall not exceed six hours and the 917
 requirements for refresher training shall not exceed two hours 918
 every four years. In establishing the training and licensure 919
 requirements, the director shall consider the core of information 920
 that is needed by all licensed persons, and establish the training 921
 requirements so that persons who would seek licenses in more than 922
 one area would not have to take duplicative course work. 923

(2) Persons certified by the American board of industrial 924
 hygiene as a certified industrial hygienist or as an industrial 925
 hygienist-in-training, and persons registered as a ~~sanitarian~~ 926
environmental health specialist or ~~sanitarian-in-training~~ 927
environmental health specialist in training under Chapter 4736 928
3776. of the Revised Code, shall be exempt from any training 929
 requirements for initial licensure established under this chapter, 930
 but shall be required to take any examinations for licensure 931
 required under section 3742.05 of the Revised Code. 932

(C) Fees for licenses issued under section 3742.05 of the 933
 Revised Code and for their renewal; 934

(D) Procedures to be followed by lead inspectors, lead 935
 abatement contractors, environmental lead analytical laboratories, 936
 lead risk assessors, lead abatement project designers, and lead 937
 abatement workers to prevent public exposure to lead hazards and 938
 ensure worker protection during lead abatement projects; 939

(E)(1) Record-keeping and reporting requirements for clinical 940
 laboratories, environmental lead analytical laboratories, lead 941
 inspectors, lead abatement contractors, lead risk assessors, lead 942
 abatement project designers, and lead abatement workers for lead 943
 abatement projects and record-keeping and reporting requirements 944
 for clinical laboratories, environmental lead analytical 945

laboratories, and clearance technicians for clearance	946
examinations;	947
(2) Record-keeping and reporting requirements regarding lead poisoning for physicians;	948
	949
(3) Information that is required to be reported under rules based on divisions (E)(1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form.	950
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(F) Environmental sampling techniques for use in collecting samples of air, water, dust, paint, and other materials;	955
	956
(G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;	957
	958
(H) Requirements under which a manufacturer of encapsulants must demonstrate evidence of the safety and durability of its encapsulants by providing results of testing from an independent laboratory indicating that the encapsulants meet the standards developed by the "E06.23.30 task group on encapsulants," which is the task group of the lead hazards associated with buildings subcommittee of the performance of buildings committee of the American society for testing and materials.	959
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Sec. 4736.01 <u>3776.01</u>. As used in this chapter:	967
(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid	968
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waste management, vector control, drinking water quality, milk sanitation, and rabies control.	974 975
(B) "Environmental health specialist" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.	976 977 978 979
(C) "Registered environmental health specialist" means a person who is registered as an environmental health specialist in accordance with this chapter.	980 981 982
(D) "Environmental health specialist in training" means a person who is registered as an environmental health specialist in training in accordance with this chapter.	983 984 985
(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following:	986 987 988 989 990 991 992 993
(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., <u>3730.</u> , or 3733. of the Revised Code;	994 995
(2) Chapter 3734. of the Revised Code as it pertains to solid <u>and hazardous</u> waste;	996 997
(3) Section 955.26, <u>955.261</u> , 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99 <u>3707.26</u> , or section 3715.21 <u>3715.021</u> of the Revised Code;	998 999 1000
(4) Rules adopted under former section 3701.34 <u>Chapter 3749.</u> of the Revised Code pertaining to rabies control or swimming	1001 1002

pools+	1003
(5) Rules adopted under section 3701.935 of the Revised Code	1004
for school health and safety network inspections and rules adopted	1005
under section 3707.26 of the Revised Code for sanitary	1006
inspections.	1007
"Practice of environmental health" does not include sampling,	1008
testing, controlling of vectors, reporting of observations, or	1009
other duties that do not require application of specialized	1010
knowledge and skills in environmental health science performed	1011
under the supervision of a registered environmental health	1012
specialist.	1013
The director of health may further define environmental	1014
health science in relation to specific functions in the practice	1015
of environmental health through rules adopted by the director	1016
under Chapter 119. of the Revised Code.	1017
Sec. 4736.02 <u>3776.02</u>. There is hereby created the	1018
environmental health specialist advisory board consisting of seven	1019
members appointed by the director of health with the advice and	1020
consent of the senate for terms established in accordance with	1021
rules adopted by the director under section 4736.03 <u>3776.03</u> of the	1022
Revised Code. The advisory board shall advise the director	1023
regarding the registration of environmental health specialists in	1024
training and environmental health specialists, continuing	1025
education requirements for environmental health specialists, the	1026
manner in which the passage of an examination required by section	1027
4736.09 <u>3776.06</u> of the Revised Code is verified, the education <u>and</u>	1028
<u>employment</u> criteria required under section 4736.08 <u>3776.05</u> of the	1029
Revised Code, and any other matters as may be of assistance to the	1030
director in the regulation of environmental health specialists and	1031
environmental health specialists in training.	1032

Each member appointed by the director shall be a registered environmental health specialist who meets the education and ~~experience~~ employment requirements of section ~~4736.08~~ 3776.05 of the Revised Code for registration as an environmental health specialist. At least one and not more than two of the members shall be employees of a general health district; at least one and not more than two shall be employees of a city health district; and at least one and not more than two shall be employed in private industry. Not more than one member may be employed by a university and not more than one member may be employed by an agency or department of the state.

Within ninety days of September 29, 2017, the director shall make initial appointments to the advisory board.

Sec. ~~4736.03~~ 3776.03. (A) The director of health shall adopt and may amend or rescind rules in accordance with Chapter 119. of the Revised Code governing ~~the~~ all of the following:

(1) The manner in which the passage of an examination required by section ~~4736.09~~ 3776.06 of the Revised Code is verified, ~~prescribing the~~;

(2) The form for application, ~~establishing~~;

(3) The establishment of criteria for determining what courses may be included toward fulfillment of the science course requirements of section ~~4736.08~~ 3776.05 of the Revised Code, ~~determining~~;

(4) The determination of the continuing education program requirements of section ~~4736.11~~ 3776.07 of the Revised Code, ~~and for the~~;

(5) The administration and enforcement of this chapter.

(B) The director shall may adopt, in accordance with Chapter 1061
119. of the Revised Code, rules establishing of a general 1062
application throughout the state for the practice of environmental 1063
health that are necessary to administer and enforce this chapter, 1064
including rules governing all of the following: 1065

(1) The registration, advancement, and reinstatement of 1066
applicants to practice as an environmental health specialist or 1067
environmental health specialist in training; 1068

(2) Educational requirements necessary for qualification for 1069
registration as an environmental health specialist or an 1070
environmental health specialist in training under division of (B) 1071
section 3776.05 of the Revised Code, including criteria for 1072
determining what courses may be included toward fulfillment of the 1073
science course requirements of that section; 1074

(3) Continuing education requirements for environmental 1075
health specialists and environmental health specialists in 1076
training, including the process for applying for continuing 1077
education credits; 1078

(4) The terms of office for members of the environmental 1079
health specialist advisory board created in section ~~4736.02~~ 1080
~~3776.02~~ of the Revised Code; 1081

(5) Any other rule necessary for the administration and 1082
enforcement of this chapter. 1083

Sec. ~~4736.07~~ 3776.04. The director of health shall keep a 1084
record of all applications for registration, ~~which shall include~~ 1085
including: 1086

(A) The name and address of each applicant; 1087

(B) The name and address of the employer or business 1088

connection of each applicant;	1089
(C) The date of the application;	1090
(D) The educational and experience <u>employment</u> qualifications of each applicant;	1091 1092
(E) The date on which the director reviewed and acted upon each application;	1093 1094
(F) The action taken by the director on each application;	1095
(G) A serial number of each certificate of registration issued by the director.	1096 1097
The director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year.	1098 1099 1100 1101
Sec. 4736.08 <u>3776.05</u>. (A) A person seeking to register as an environmental health specialist <u>or environmental health specialist in training</u> shall submit an application to the director of health on a form prescribed by the director. Along with the application, the person shall submit the application fee prescribed in section 4736.12 of the Revised Code <u>rules adopted under this chapter</u> . The	1102 1103 1104 1105 1106 1107
(B) <u>The</u> director shall register an applicant <u>as an environmental health specialist</u> if the applicant complies with the examination requirements specified under section 4736.09 <u>3776.06</u> of the Revised Code and meets the <u>any of the following</u> education and experience <u>employment</u> requirements of division (A), (B), or (C) of this section:	1108 1109 1110 1111 1112 1113
(A) <u>(1)</u> Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science	1114 1115 1116

courses approved by the director; and completed at least two years 1117
of full-time employment as an environmental health specialist; 1118

~~(B)(2)~~ Graduated from an accredited college or university 1119
with at least a baccalaureate degree, completed a major in 1120
environmental health science which included an internship program 1121
approved by the director; and completed at least one year of 1122
full-time employment as an environmental health specialist; 1123

~~(C)(3)~~ Graduated from an accredited college or university 1124
with a degree higher than a baccalaureate degree, including at 1125
least forty-five quarter units or thirty semester units of science 1126
courses approved by the director; and completed at least one year 1127
of full-time employment as an environmental health specialist. 1128

(C)(1) The director shall register an applicant as an 1129
environmental health specialist in training if the applicant meets 1130
the educational qualifications of division (B)(1), (2), or (3) of 1131
this section, but does not meet the employment requirement of any 1132
such division. 1133

(2) An environmental health specialist in training shall 1134
apply for registration as an environmental health specialist 1135
within four years after registration as an environmental health 1136
specialist in training. The director may extend the registration 1137
of any environmental health specialist in training who furnishes, 1138
in writing, sufficient cause for not applying for registration as 1139
an environmental health specialist within the four-year period. 1140
However, the director shall not extend the registration more than 1141
an additional two years beyond the four-year period. 1142

Sec. 4736.09 3776.06. (A) Prior to applying for an initial 1143
environmental health specialist registration, a person shall take 1144
the credentialed national environmental health association 1145

examination administered by the department of health. 1146

(B) The director of health shall not register the person if 1147
 the person fails to meet the minimum grade requirement for the 1148
 examination specified by the national environmental health 1149
 association. An applicant for registration who meets the minimum 1150
 grade requirement shall verify the grade with the director on a 1151
 form and in a manner prescribed by the director. 1152

Sec. ~~4736.11~~ 3776.07. (A) The director of health shall issue 1153
 a certificate of registration to practice to any applicant whom it 1154
 registers as an environmental health specialist or an 1155
 environmental health specialist in training. ~~Such~~ The director 1156
~~shall include the following information on the certificate shall~~ 1157
~~bear~~ of registration: 1158

(1) The name of the person; 1159

(2) The date of issue; 1160

(3) ~~A serial number, designated by the director;~~ 1161

~~(4)~~ The signature of the director; 1162

~~(5)~~(4) The designation "registered environmental health 1163
 specialist" or "environmental health specialist in training." 1164

(B) ~~Certificates~~ The director shall issue certificates of 1165
 registration to practice, which expire biennially on the date 1166
 fixed by the director and become invalid on that date unless 1167
 renewed pursuant to this section. ~~All~~ The director may renew a 1168
registration sixty days prior to the date of expiration, provided 1169
the applicant for renewal has done both of the following: 1170

(1) Paid the renewal fee in accordance with rules adopted 1171
under section 3776.03 of the Revised Code; 1172

(2) Submitted proof of compliance with the continuing education requirements described in this section. 1173
1174

(C) All registered environmental health specialists and environmental health specialists in training are required 1175
1176
biennially to complete a continuing education program in subjects 1177
relating to practices of the profession as an environmental health 1178
specialist. The purpose of the program is that the utilization and 1179
application of new techniques, scientific advancements, and 1180
research findings will assure comprehensive service to the public. 1181

~~(C)~~(D) The director shall prescribe by rule a continuing 1182
education program for registered environmental health specialists 1183
and environmental health specialists in training to meet this 1184
requirement. Under the program, an environmental health specialist 1185
and environmental health specialists in training shall complete 1186
twenty-four hours of continuing education during the biennial 1187
period. At least once annually the director shall provide to each 1188
registered environmental health specialist and environmental 1189
health specialist in training a list of courses approved by the 1190
director as satisfying the program prescribed by rule. Upon the 1191
request of a registered environmental health specialist or 1192
environmental health specialist in training, the director shall 1193
supply a list of applicable courses that the director has 1194
approved. 1195

~~(D)~~(E) A certificate may be renewed for a period of two years 1196
at any time prior to the date of expiration upon payment of the 1197
renewal fee prescribed by section ~~4736.12~~ 3776.08 of the Revised 1198
Code and upon showing proof of having complied with the continuing 1199
education requirements of this section. The director may waive the 1200
continuing education requirement in cases of certified illness or 1201
disability which prevents the attendance at any qualified 1202

educational seminars during the twenty-four months immediately 1203
preceding the biennial certificate of registration renewal date. 1204
Certificates that expire may be reinstated under rules adopted by 1205
the director. 1206

~~(E)~~(F) An environmental health specialist shall not be 1207
required to pass an examination for purposes of renewal. 1208

Sec. ~~4736.12~~ 3776.08. (A) The director of health shall charge 1209
the following fees: 1210

(1) To apply as an environmental health specialist in 1211
training, fifty dollars; 1212

(2) For an environmental health specialist in training to 1213
apply for registration as an environmental health specialist, 1214
fifty dollars. 1215

(3) For persons other than environmental health specialists 1216
in training to apply for registration as environmental health 1217
specialists, one hundred dollars. 1218

(4) The renewal fee for a registered environmental health 1219
specialist is seventy-five dollars. 1220

(5) The renewal fee for a registered environmental health 1221
specialist in training is thirty-five dollars. 1222

(6) For late application for renewal, an additional 1223
seventy-five dollars. 1224

The director, with the approval of the controlling board, may 1225
establish fees in excess of the amounts provided in this section, 1226
provided that such fees do not exceed the amounts permitted by 1227
this section by more than fifty per cent. 1228

(B) The director shall charge a fee for the examination 1229
required by section ~~4736.08~~ 3776.06 of the Revised Code, provided 1230

that the fee is not in excess of the actual cost to the department 1231
of health of conducting the examinations. 1232

(C) The director may adopt rules establishing fees for all of 1233
the following: 1234

(1) Application for the registration of a training agency 1235
approved under rules adopted by the director pursuant to section 1236
~~4736.11~~ 3776.07 of the Revised Code and for the annual 1237
registration renewal of an approved training agency; 1238

(2) Application for the review of continuing education hours 1239
submitted for the director's approval by approved training 1240
agencies or by registered environmental health specialists or 1241
environmental health specialists in training; 1242

(3) Additional copies of pocket identification cards and wall 1243
certificates. 1244

(D) Any fee collected under this section shall be deposited 1245
into the general operations fund created in section 3701.83 of the 1246
Revised Code. The director shall use the money collected from such 1247
fees for the administration and enforcement of this chapter and 1248
rules adopted under it. 1249

Sec. ~~4736.13~~ 3776.09. The director of health may deny, refuse 1250
to renew, revoke, or suspend a certificate of registration to 1251
practice in accordance with Chapter 119. of the Revised Code for 1252
unprofessional conduct, the practice of fraud or deceit in 1253
obtaining a certificate of registration, dereliction of duty, 1254
incompetence in the practice of environmental health science, or 1255
for other good and sufficient cause. 1256

Sec. ~~4736.14~~ 3776.10. The director of health may, upon 1257
application and proof of valid registration, issue a certificate 1258

of registration to any person who is or has been registered as an 1259
 environmental health specialist or environmental health specialist 1260
in training by any other state, if the requirements of that state 1261
 at the time of such registration are determined by the director to 1262
 be at least equivalent to the requirements of this chapter. 1263

Sec. ~~4736.15~~ 3776.11. (A) No person shall engage in, or offer 1264
 to engage in, the practice of environmental health without being 1265
 registered in accordance with ~~sections 4736.01 to 4736.15 of the~~ 1266
~~Revised Code~~ this chapter. ~~An environmental health specialist in~~ 1267
~~training may engage in the practice of environmental health for a~~ 1268
~~period not to exceed five years, provided the environmental health~~ 1269
~~specialist in training is supervised by a registered environmental~~ 1270
~~health specialist. No~~ 1271

(B) No person except a registered environmental health 1272
 specialist shall use the title "registered environmental health 1273
 specialist" or the abbreviation "R.E.H.S." after the person's 1274
 name, or represent self as a registered environmental health 1275
 specialist. ~~Whoever~~ 1276

(C)(1) No person except a registered environmental health 1277
specialist in training shall use the title "registered 1278
environmental health specialist in training" or the abbreviation 1279
"E.H.S.I.T." after the person's name, or represent self as a 1280
registered environmental health specialist in training. 1281

(2) No environmental health specialist in training shall 1282
engage in the active practice of environmental health for a period 1283
exceeding six years from the date that the environmental health 1284
specialist in training's registration was initially issued. During 1285
the period that a person is engaged as an environmental health 1286
specialist in training, the person shall undertake the duties of 1287

an environmental health specialist in training solely under the 1288
supervision of a registered environmental health specialist in 1289
good standing. Such supervision is a condition for the advancement 1290
of an environmental health specialist in training to an 1291
environmental health specialist. 1292

(D) Whoever violates this section is guilty of a misdemeanor 1293
of the fourth degree. 1294

Sec. ~~4736.17~~ 3776.12. On receipt of a notice pursuant to 1295
section 3123.43 of the Revised Code, the director of health shall 1296
comply with sections 3123.41 to 3123.50 of the Revised Code and 1297
any applicable rules adopted under section 3123.63 of the Revised 1298
Code with respect to a certificate issued pursuant to this 1299
chapter. 1300

Sec. ~~4736.18~~ 3776.13. The director of health shall comply 1301
with section 4776.20 of the Revised Code. 1302

Sec. 4743.02. The examination papers of each applicant 1303
examined by boards, commissions, or agencies created under or by 1304
virtue of Chapters 3776., 4701. to 4741., 4751., and 4757. of the 1305
Revised Code shall be open for inspection by the applicant or his 1306
attorney for at least ninety days subsequent to the announcement 1307
of the applicant's grade; provided, papers not graded by members 1308
of examining boards or their employees and which by terms of a 1309
contract with any testing company the papers are not available for 1310
inspection, need not be made available for inspection; but it 1311
shall be the applicant's right to have any such paper regraded 1312
manually, upon written request of either himself or his attorney 1313
made to the board within ninety days after announcement of the 1314
grade. 1315

Sec. 4743.03. No board, commission, or agency created under 1316
 or by virtue of Title 47 or Chapter 3776. of the Revised Code 1317
 shall restrict entry into any occupation, profession, or trade 1318
 under its supervision or regulation by: 1319

(A) Unreasonably restricting the number of schools or other 1320
 institutions it certifies or accredits for the purpose of 1321
 fulfilling educational or training requirements for such 1322
 occupation, profession, or trade; 1323

(B) Denying certification or accreditation for the purpose of 1324
 fulfilling such educational or training requirements to any 1325
 school, college, or other educational institution that has been 1326
 certified by the Ohio board of regents or the state board of 1327
 career colleges and schools or to a high school for which the 1328
 state board of education prescribes minimum standards under 1329
 division (D) of section 3301.07 of the Revised Code, unless the 1330
 educational or training program offered by such school, college, 1331
 or institution is not in substantial compliance with applicable 1332
 standards of the occupation, profession, or trade. 1333

(C) Rules of state regulatory boards relevant to age and 1334
 level of education required for admission to courses of study 1335
 leading to examination and licensing in professions or occupations 1336
 controlled by regulatory boards not requiring a technical, 1337
 associate, or baccalaureate degree shall not apply to vocational 1338
 education programs conducted in the public schools where such 1339
 vocational education programs in all other respects meet the 1340
 minimum standards and requirements of any regulatory board and 1341
 students completing such programs are of the minimum age required 1342
 for examination and licensing for the purpose of practicing 1343
 professions or occupations controlled by regulatory boards. 1344

Nothing in this section shall prohibit a board, commission, 1345
 or agency from prescribing and enforcing educational and training 1346
 requirements and standards for certification and accreditation of 1347
 schools and other institutions that constitute reasonable bases 1348
 for maintaining necessary standards of performance in any 1349
 occupation, profession, or trade. 1350

Sec. 4743.04. (A) The renewal of a license or other 1351
 authorization to practice a trade or profession issued under Title 1352
 XLVII or Chapter 3776. of the Revised Code is subject to the 1353
 provisions of section 5903.10 of the Revised Code relating to 1354
 service in the armed forces. 1355

(B) Continuing education requirements applicable to the 1356
 licensees under Title XLVII or Chapter 3776. of the Revised Code 1357
 are subject to the provisions of section 5903.12 of the Revised 1358
 Code relating to active duty military service. 1359

(C) A department, agency, or office of any political 1360
 subdivision of this state that issues a license or certificate to 1361
 practice a trade or profession may, pursuant to rules adopted by 1362
 the department, agency, or office, issue a temporary license or 1363
 certificate to practice the trade or profession to a person whose 1364
 spouse is on active military duty in this state. 1365

(D) A department, agency, or office of this state that issues 1366
 a license or certificate to practice a trade or profession shall 1367
 issue a temporary license or certificate to practice the trade or 1368
 profession as provided in section 4743.041 of the Revised Code. 1369

(E) The issuance of a license or other authorization to 1370
 practice a trade or profession issued under Title XLVII or Chapter 1371
3776. of the Revised Code is subject to the provisions of section 1372
 5903.03 of the Revised Code relating to service in the armed 1373

forces. 1374

Sec. 4743.05. (A) Except as otherwise provided in sections 1375
 4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 1376
 Revised Code, all money collected under Chapters 3773., 4701., 1377
 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 1378
 4733., 4734., ~~4736.~~, 4741., 4744., 4747., 4753., 4755., 4757., 1379
 4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be 1380
 paid into the state treasury to the credit of the occupational 1381
 licensing and regulatory fund, which is hereby created for use in 1382
 administering such chapters. 1383

(B) At the end of each quarter, the director of budget and 1384
 management shall transfer from the occupational licensing and 1385
 regulatory fund to the nurse education assistance fund created in 1386
 section 3333.28 of the Revised Code the amount certified to the 1387
 director under division (B) of section 4723.08 of the Revised 1388
 Code. 1389

(C) At the end of each quarter, the director shall transfer 1390
 from the occupational licensing and regulatory fund to the 1391
 certified public accountant education assistance fund created in 1392
 section 4701.26 of the Revised Code the amount certified to the 1393
 director under division (H)(2) of section 4701.10 of the Revised 1394
 Code. 1395

(D) On August 30, 2021, and every two years thereafter, the 1396
 director shall transfer from the occupational licensing and 1397
 regulatory fund to the veterinary student debt assistance fund 1398
 created in section 4741.56 of the Revised Code the amount 1399
 certified to the director under section 4741.57 of the Revised 1400
 Code. 1401

Sec. 4743.07. The general assembly strongly recommends that 1402

every board, commission, or agency that is created under or by 1403
 virtue of Title XLVII or Chapter 3776. of the Revised Code and 1404
 that is authorized to grant licensure or certification to persons 1405
 who may encounter human trafficking victims in the normal course 1406
 of their work promulgate rules pursuant to Chapter 119. of the 1407
 Revised Code to require those persons, as a condition of receiving 1408
 or maintaining licensure or certification, to receive training in 1409
 the recognition and handling of human trafficking cases. 1410

Sec. 4776.20. (A) As used in this section: 1411

(1) "Licensing agency" means, in addition to each board 1412
 identified in division (C) of section 4776.01 of the Revised Code, 1413
 the board or other government entity authorized to issue a license 1414
 under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 1415
 4723., 4727., 4728., 4733., 4735., ~~4736.,~~ 4737., 4738., 4740., 1416
 4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 1417
 4765., 4766., 4771., 4773., and 4781. of the Revised Code. 1418
 "Licensing agency" includes an administrative officer that has 1419
 authority to issue a license. 1420

(2) "Licensee" means, in addition to a licensee as described 1421
 in division (B) of section 4776.01 of the Revised Code, the person 1422
 to whom a license is issued by the board or other government 1423
 entity authorized to issue a license under Chapters 3776., 4703., 1424
 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 1425
 4735., ~~4736.,~~ 4737., 4738., 4740., 4742., 4747., 4749., 4751., 1426
 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 1427
 4773., and 4781. of the Revised Code. 1428

(3) "Prosecutor" has the same meaning as in section 2935.01 1429
 of the Revised Code. 1430

(B) On a licensee's conviction of, plea of guilty to, 1431

judicial finding of guilt of, or judicial finding of guilt 1432
resulting from a plea of no contest to the offense of trafficking 1433
in persons in violation of section 2905.32 of the Revised Code, 1434
the prosecutor in the case shall promptly notify the licensing 1435
agency of the conviction, plea, or finding and provide the 1436
licensee's name and residential address. On receipt of this 1437
notification, the licensing agency shall immediately suspend the 1438
licensee's license. 1439

(C) If there is a conviction of, plea of guilty to, judicial 1440
finding of guilt of, or judicial finding of guilt resulting from a 1441
plea of no contest to the offense of trafficking in persons in 1442
violation of section 2905.32 of the Revised Code and all or part 1443
of the violation occurred on the premises of a facility that is 1444
licensed by a licensing agency, the prosecutor in the case shall 1445
promptly notify the licensing agency of the conviction, plea, or 1446
finding and provide the facility's name and address and the 1447
offender's name and residential address. On receipt of this 1448
notification, the licensing agency shall immediately suspend the 1449
facility's license. 1450

(D) Notwithstanding any provision of the Revised Code to the 1451
contrary, the suspension of a license under division (B) or (C) of 1452
this section shall be implemented by a licensing agency without a 1453
prior hearing. After the suspension, the licensing agency shall 1454
give written notice to the subject of the suspension of the right 1455
to request a hearing under Chapter 119. of the Revised Code. After 1456
a hearing is held, the licensing agency shall either revoke or 1457
permanently revoke the license of the subject of the suspension, 1458
unless it determines that the license holder has not been 1459
convicted of, pleaded guilty to, been found guilty of, or been 1460
found guilty based on a plea of no contest to the offense of 1461
trafficking in persons in violation of section 2905.32 of the 1462

Revised Code.	1463
Sec. 4799.01. In a proceeding held under Title XLVII <u>or</u>	1464
<u>Chapter 3776.</u> of the Revised Code to grant, renew, modify,	1465
suspend, or revoke a license or other authorization to engage in	1466
an occupation, if the person who is the subject of the proceeding	1467
is listed on the civil registry established by the attorney	1468
general pursuant to section 3797.08 of the Revised Code, the board	1469
or other body that makes the determination shall take into	1470
consideration the fact that the person is listed on the civil	1471
registry.	1472
Sec. 5903.12. (A) As used in this section:	1473
"Continuing education" means continuing education required of	1474
a licensee by law and includes, but is not limited to, the	1475
continuing education required of licensees under sections	1476
3737.881, <u>3776.07</u> , 3781.10, 4701.11, 4715.141, 4715.25, 4717.09,	1477
4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282,	1478
4734.25, 4735.141, 4736.11 , 4741.16, 4741.19, 4751.24, 4751.25,	1479
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised	1480
Code.	1481
"Reporting period" means the period of time during which a	1482
licensee must complete the number of hours of continuing education	1483
required of the licensee by law.	1484
(B) A licensee may submit an application to a licensing	1485
agency, stating that the licensee requires an extension of the	1486
current reporting period because the licensee has served on active	1487
duty during the current or a prior reporting period. The licensee	1488
shall submit proper documentation certifying the active duty	1489
service and the length of that active duty service. Upon receiving	1490

the application and proper documentation, the licensing agency 1491
 shall extend the current reporting period by an amount of time 1492
 equal to the total number of months that the licensee spent on 1493
 active duty during the current reporting period. For purposes of 1494
 this division, any portion of a month served on active duty shall 1495
 be considered one full month. 1496

Section 130.41. That existing sections 2925.01, 3701.33, 1497
 3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 1498
 4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 1499
 4736.13, 4736.14, 4736.15, 4736.17, 4736.18, 4743.02, 4743.03, 1500
 4743.04, 4743.05, 4743.07, 4776.20, 4799.01, and 5903.12 of the 1501
 Revised Code are hereby repealed. 1502

Section 130.42. That sections 4736.05, 4736.06, and 4736.10 1503
 of the Revised Code are hereby repealed. 1504

Section 130.43. That the version of section 3701.83 of the 1505
 Revised Code that is scheduled to take effect on September 30, 1506
 2024, be amended to read as follows: 1507

Sec. 3701.83. There is hereby created in the state treasury 1508
 the general operations fund. Moneys in the fund shall be used for 1509
 the purposes specified in sections 3701.04, 3701.344, 3711.16, 1510
 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 1511
 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, ~~4736.06~~ 1512
3776.08, and 4769.09 of the Revised Code. 1513

Section 130.44. That the existing version of section 3701.83 1514
 of the Revised Code that is scheduled to take effect on September 1515
 30, 2024, is hereby repealed. 1516

Section 130.45. That the versions of sections 4736.14 and 1517
 4743.04 of the Revised Code that are scheduled to take effect on 1518
 December 29, 2023, be amended and section 4736.14 (3776.10) of the 1519
 Revised Code that is scheduled to take effect on December 29, 1520
 2023, be amended for the purpose of adopting a new section number 1521
 as indicated in parentheses to read as follows: 1522

Sec. ~~4736.14~~ 3776.10. The director of health ~~shall~~ may, upon 1523
~~application and proof of valid registration,~~ issue a certificate 1524
 of registration ~~in accordance with Chapter 4796. of the Revised~~ 1525
 Code to a any person ~~if either of the following applies:~~ 1526

~~(A) The person who~~ is or has been registered as an 1527
 environmental health specialist or environmental health specialist 1528
in training by any other state. 1529

~~(B) The person has satisfactory work experience, a government~~ 1530
~~certification, or a private certification as described in that~~ 1531
~~chapter as an environmental health specialist in a state that does~~ 1532
~~not issue that certificate of registration, if the requirements of~~ 1533
that state at the time of such registration are determined by the 1534
director to be at least equivalent to the requirements of this 1535
chapter. 1536

Sec. 4743.04. (A) The renewal of a license or other 1537
 authorization to practice a trade or profession issued under Title 1538
 XLVII or Chapter 3776. of the Revised Code is subject to the 1539
 provisions of section 5903.10 of the Revised Code relating to 1540
 service in the armed forces. 1541

(B) Continuing education requirements applicable to the 1542
 licensees under Title XLVII or Chapter 3776. of the Revised Code 1543
 are subject to the provisions of section 5903.12 of the Revised 1544

Code relating to active duty military service.	1545
(C) A department, agency, or office of this state that issues a license or certificate to practice a trade or profession shall issue a temporary license or certificate to practice the trade or profession as provided in section 4743.041 of the Revised Code.	1546 1547 1548 1549
(D) The issuance of a license or other authorization to practice a trade or profession issued under Title XLVII <u>or Chapter 3776.</u> of the Revised Code is subject to the provisions of section 5903.03 of the Revised Code relating to service in the armed forces.	1550 1551 1552 1553 1554
Section 130.46. That the existing versions of sections 4736.14 and 4743.04 of the Revised Code that are scheduled to take effect on December 29, 2023, are hereby repealed.	1555 1556 1557
Section 130.47. That the version of section 4736.10 of the Revised Code that is scheduled to take effect on December 29, 2023, is hereby repealed. The outright repeal by this act of section 4736.10 of the Revised Code supersedes the amendment of that section scheduled to take effect on December 29, 2023, as prescribed by Section 1 of S.B. 131 of the 134th General Assembly.	1558 1559 1560 1561 1562 1563
Section 130.48. Sections 130.45, 130.46, and 130.47 of this act take effect on December 29, 2023.	1564 1565
Sections 130.43 and 130.44 of this act take effect on September 30, 2024.	1566 1567
Section 130.49. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections,	1568 1569 1570 1571

presented in this act as composites of the sections as amended by 1572
the acts indicated, are the resulting versions of the sections in 1573
effect prior to the effective date of the sections as presented in 1574
this act: 1575

Section 2925.01 of the Revised Code as amended by H.B. 281, 1576
H.B. 509, and S.B. 25, all of the 134th General Assembly. 1577

Section 4736.08 of the Revised Code as amended by both H.B. 1578
442 and H.B. 263 of the 133rd General Assembly." 1579

The motion was _____ agreed to.

SYNOPSIS

Environmental Health Specialists (EHSs) 1580

R.C. 4736.01 (renumbered to R.C. 3776.01), 4736.02 1581
(renumbered to 3776.02), 4736.03 (renumbered to 3776.03), 4736.07 1582
(renumbered to 3776.04), 4736.08 (renumbered to 3776.05), 4736.09 1583
(renumbered to 3776.06), 4736.11 (renumbered to 3776.07), 4736.12 1584
(renumbered to 3776.08), 4736.13 (renumbered to 3776.09), 4736.14 1585
(renumbered to 3776.10), and 4736.15 (renumbered to 3776.11); R.C. 1586
4736.05 (repealed), 4736.06 (repealed), and 4736.10 (repealed); 1587
R.C. 4736.17 (renumbered only) and 4736.18 (renumbered only); R.C. 1588
2925.01, 3701.33, 3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 1589
3742.03, 4743.02, 4743.03, 4743.04 (and future R.C. 4743.04), 1590
4743.05, 4743.07, 4776.20, 4799.01, and 5903.12 (conforming 1591
changes only); Section 130.45 (future sections concerning changes 1592
to R.C. 4736.14 that are scheduled to take effect on December 29, 1593
2023, as prescribed by S.B. 131 of the 134th General Assembly), 1594
and Section 130.44 (future sections concerning changes to R.C. 1595
3701.83 that are scheduled to take effect on September 30, 2024, 1596

as prescribed by H.B. 110 of the 134th General Assembly)	1597
Reinstates provisions in the As Passed by the House version	1598
of the bill that do all of the following:	1599
1. Recodify R.C. Chapter 4736, the law governing	1600
Environmental Health Specialists (EHSs) and Environmental Health	1601
Specialists in training (EHSs in training), in new R.C. Chapter	1602
3776;	1603
2. Broaden the Director of Health's rule-making authority	1604
regarding EHSs and EHSs in training, including allowing any	1605
rule-making that is necessary for the administration and	1606
enforcement of the EHS law;	1607
3. Require EHSs in training to comply with the same	1608
continuing education requirements as are required for EHSs, such	1609
as biennially completing a 24-hour continuing education program in	1610
specified subjects;	1611
4. Add that EHSs and EHSs in training may administer and	1612
enforce the law governing tattoos and body piercing;	1613
5. Clarify that EHSs and EHSs in training may administer and	1614
enforce the law governing hazardous waste;	1615
6. Clarify that the Director may renew an EHS or EHS in	1616
training registration 60 days prior to expiration, provided the	1617
applicant pays the renewal fee and, regarding an EHS, submits	1618
proof of compliance with continuing education requirements;	1619
7. Repeal the requirements that the Director do both of the	1620
following:	1621
-- Prepare annually a list of the names and addresses of	1622
every registered EHS and EHS in training and a list of every EHS	1623
and EHS in training whose registration has been suspended or	1624

revoked within the previous year; 1625

-- Assign a serial number to each certificate of registration 1626
and include it in EHS and EHS in training registration records. 1627

8. Specify that an EHS in training has up to 4 years (with a 1628
2-year possible extension) to apply as an EHS instead of 3 years 1629
(with a 2-year possible extension) as under current law; 1630

9. Clarify that all fees collected under the EHS law are 1631
deposited into the DOH General Operations Fund, and eliminate a 1632
conflict in current law that requires the fees to be deposited in 1633
both that Fund and the Occupational Licensing and Regulatory Fund; 1634

10. Prohibit a person who is not a registered EHS in training 1635
from using the title "registered environmental health specialist 1636
in training" or the abbreviation "E.H.S.I.T.", or representing 1637
themselves as a registered EHS in training; 1638

11. Remove the requirement that the Director of Health obtain 1639
the advice and consent of the Senate when appointing members of 1640
the Environmental Health Specialist Advisory Board; and 1641

12. Eliminate standard license reciprocity provisions that 1642
are scheduled to take effect on December 29, 2023, and restore and 1643
retains current law, which generally requires out-of-state 1644
applicants to have at least the same qualifications as that of 1645
in-state EHS or EHST applicants. 1646

Also adds conforming changes to the provisions regarding the 1647
recodification of the law governing EHSs to continue to subject 1648
EHSs and EHSs in training licenses to current requirements, such 1649
as allowing applicants to review examination results and 1650
provisions regarding restricting entry into the occupation. 1651